

Message

From: Rectenwald, David [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=4708AFDADF1D42EFACBD6B2197FBD818-DRECTENW]
Sent: 8/11/2021 2:33:49 PM
To: Rowsey, Kevin [rowsey.kevin@epa.gov]
Subject: RE: External: Catalyst Energy Draft Permit - PAS2D015BMCK

Thank you Kevin.

Dave

From: Rowsey, Kevin <rowsey.kevin@epa.gov>
Sent: Wednesday, August 11, 2021 8:41 AM
To: Crumlish, Karen <Crumlish.Karen@epa.gov>
Cc: Rectenwald, David <Rectenwald.Dave@epa.gov>; Hancharick, Ryan <Hancharick.Ryan@epa.gov>
Subject: FW: External: Catalyst Energy Draft Permit - PAS2D015BMCK

Hi Karrie,

I asked Phil Yeany (the attorney working on the Catalyst permit) about extending the Public Comment Period. In essence, he thinks we should. Kelly also weighed in and she strongly recommends extending the comment period. See below.

I think this decision lies with Cathy because ultimately she is the person issuing the permit.

Let me know if you want to talk about it or if I should try to set up a quick call between us and counsel.

Thanks!

Kevin Rowsey

Acting Chief
Source Water & UIC Section
Water Division
U.S. EPA Region III
1650 Arch Street
Philadelphia, PA 19103
Phone: 215.814.5463

From: Gable, Kelly <Gable.Kelly@epa.gov>
Sent: Wednesday, August 11, 2021 8:08 AM
To: Yeany, Philip <Yeany.Philip@epa.gov>; Rowsey, Kevin <rowsey.kevin@epa.gov>; Hancharick, Ryan <Hancharick.Ryan@epa.gov>
Subject: RE: External: Catalyst Energy Draft Permit - PAS2D015BMCK

I agree with Phil on this and strongly recommend extending the comment period unless there's a **really** good reason not to – the Nation would need to comment during the public comment period for it to be preserved as an issue available for appeal. Besides, we typically grant requests for extension of the comment period from just about anyone; if we were to deny it here, when it's a co-equal sovereign requesting the extension, it would raise more than an eyebrow or two. Furthermore, denying the request would not help our nascent relationship with the Nation.

From: Yeany, Philip <Yeany.Philip@epa.gov>
Sent: Wednesday, August 11, 2021 8:04 AM
To: Rowsey, Kevin <rowsey.kevin@epa.gov>; Hancharick, Ryan <Hancharick.Ryan@epa.gov>
Cc: Gable, Kelly <Gable.Kelly@epa.gov>
Subject: RE: External: Catalyst Energy Draft Permit - PAS2D015BMCK

Kevin,

My advice would be to extend the comment period so it includes the time when we consult with the Nation. Based on a message from a Region 9 attorney, I think that if the Nation wants to preserve objections to the draft permit for appeal purposes, it needs to raise those objections during the public comment period for the draft permit. If it raises objections during the consultation and the comment period has closed, this does not preserve the objections for appeal purposes.

Phil
X2495

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From: Rowsey, Kevin <rowsey.kevin@epa.gov>
Sent: Wednesday, August 11, 2021 7:17 AM
To: Yeany, Philip <Yeany.Philip@epa.gov>; Hancharick, Ryan <Hancharick.Ryan@epa.gov>
Subject: RE: External: Catalyst Energy Draft Permit - PAS2D015BMCK

Hi Phil,

We're asking our Division Director to weigh in on the decision whether to extend the public comment period or not. I don't believe we should because we've only received one comment from the public on the draft permit and no requests for a hearing. Also, the consultation with the Seneca Nation is held outside of that public comment window. They can comment on the permit whenever they want.

Do you have any other thoughts on this?

Kevin Rowsey
Acting Chief
Source Water & UIC Section
Water Division

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1650 Arch Street
Philadelphia, PA 19103
Phone: 215.814.5463

From: Yeany, Philip <Yeany.Philip@epa.gov>
Sent: Wednesday, August 11, 2021 6:49 AM
To: Rowsey, Kevin <rowsey.kevin@epa.gov>; Hancharick, Ryan <Hancharick.Ryan@epa.gov>
Subject: FW: External: Catalyst Energy Draft Permit - PAS2D015BMCK

Kevin and Ryan,

Do you plan to extend the comment period? For the consultation meeting, I keep my calendar up-to-date if you want to propose a date to the Nation.

Phil
X2495

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From: Anna Carr <Anna.Carr@sni.org>
Sent: Tuesday, August 10, 2021 3:22 PM
To: Rowsey, Kevin <rowsey.kevin@epa.gov>; clifford.redeye@sni.org
Cc: Okorn, Barbara <Okorn.Barbara@epa.gov>; Hamilton, Brian <Hamilton.Brian@epa.gov>; Bennett, James <bennett.james@epa.gov>; Hancharick, Ryan <Hancharick.Ryan@epa.gov>; Shane Titus <shane.titus@sni.org>; Yeany, Philip <Yeany.Philip@epa.gov>
Subject: RE: External: Catalyst Energy Draft Permit - PAS2D015BMCK

Good afternoon Mr. Rowsey,

I just wanted to touch base with you regarding my last email and request for an extension of the 30-day comment period for the Catalyst Energy Draft Permit. As below mentioned, the Seneca Nation would like push the comment period back by 60-days, until ~September 21st.

Additionally, the Seneca Nation would still like to hold a consultation meeting; however, due to conflicting schedules the Nation requests to have the consultation pushed back until after September 6.

Please let me know at your earliest convenience.

Respectfully submitted,

Anna Carr

Water Program Manager

Seneca Nation

Environmental Protection Department

84 Iroquois Drive

Irving, NY 14081

Phone: (716) 532-2546 Ext. 5474

Email: anna.carr@sni.org

From: Anna Carr

Sent: Thursday, August 5, 2021 12:33 PM

To: 'Rowsey, Kevin' <rowsey.kevin@epa.gov>; Cliff Redeye III <clifford.redeye@sni.org>

Cc: Okorn, Barbara <Okorn.Barbara@epa.gov>; Hamilton, Brian <Hamilton.Brian@epa.gov>; Bennett, James <bennett.james@epa.gov>; Hancharick, Ryan <Hancharick.Ryan@epa.gov>; Shane Titus <shane.titus@sni.org>; Yeany, Philip <Yeany.Philip@epa.gov>

Subject: RE: External: Catalyst Energy Draft Permit - PAS2D015BMCK

Good afternoon Mr. Rowsey,

In response to your last email, the Seneca Nation has determined that we could push the consultation meeting, regarding the Catalyst Draft permit, back another week. Therefore a meeting sometime during the week of August 23rd would be necessary. The Seneca Nation has availability to meet either Tuesday, August 24th from 1-3 pm or Friday, August 27th from 10 am-12pm.

Furthermore, since the consultation meeting will be delayed, the Seneca Nation requests to have the 30-day comment period extended to a 60-day comment closing period as well. The Seneca Nation understands that it's not bound to the public comment period; however, it's a timeline that the we make every reasonable attempt to adhere to. Additionally, the suggested comment period of "30-days" generally does not provide our community adequate time to digest and respond to the proposed permit.

Please let me know if either of the abovementioned meeting days/times are possible for a consultation meeting.

Respectfully submitted,

Anna Carr

Water Program Manager

Seneca Nation

Environmental Protection Department

84 Iroquois Drive

Irving, NY 14081

Phone: (716) 532-2546 Ext. 5474

Cell: (716) 698-8076

Email: anna.carr@sni.org

From: Rowsey, Kevin <rowsey.kevin@epa.gov>

Sent: Tuesday, August 3, 2021 10:44 AM

To: Anna Carr <Anna.Carr@sni.org>; Cliff Redeye III <clifford.redeye@sni.org>
Cc: Okorn, Barbara <Okorn.Barbara@epa.gov>; Hamilton, Brian <Hamilton.Brian@epa.gov>; Bennett, James <bennett.james@epa.gov>; Hancharick, Ryan <Hancharick.Ryan@epa.gov>; Shane Titus <shane.titus@sni.org>; Yeany, Philip <Yeany.Philip@epa.gov>
Subject: RE: External: Catalyst Energy Draft Permit - PAS2D015BMCK

Good morning Anna,

Three members of our staff will actually be in the field conducting inspections that week. Would the Seneca Nation be able to meet the following week?

Kevin Rowsey
Acting Chief
Source Water & UIC Section
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1650 Arch Street
Philadelphia, PA 19103
Phone: 215.814.5463

From: Anna Carr <Anna.Carr@sni.org>
Sent: Monday, August 02, 2021 4:39 PM
To: clifford.redeye@sni.org; Rowsey, Kevin <rowsey.kevin@epa.gov>
Cc: Okorn, Barbara <Okorn.Barbara@epa.gov>; Hamilton, Brian <Hamilton.Brian@epa.gov>; Bennett, James <bennett.james@epa.gov>; Hancharick, Ryan <Hancharick.Ryan@epa.gov>; Shane Titus <shane.titus@sni.org>; Dangelo, AJ <Dangelo.Aj@epa.gov>
Subject: RE: External: Catalyst Energy Draft Permit - PAS2D015BMCK
Importance: High

Good afternoon Mr. Rowsey,

As Clifford Redeye III below mentioned, he is currently out of the office and I'm reaching out to you on his behalf. The Seneca Nation would like to request a consultation meeting on Tuesday, August 17th from 11 a.m. to 12 p.m. regarding the Catalyst Draft permit.

Would this day and time work for a consultation? Please let me know at your earliest convenience.

Respectfully submitted,

Anna Carr
Water Program Manager

Seneca Nation
Environmental Protection Department
84 Iroquois Drive
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Email: anna.carr@sni.org

From: Cliff Redeye III
Sent: Thursday, July 22, 2021 3:01 PM
To: Rowsey, Kevin <rowsey.kevin@epa.gov>
Cc: Okorn, Barbara <Okorn.Barbara@epa.gov>; Hamilton, Brian <Hamilton.Brian@epa.gov>; Bennett, James <bennett.james@epa.gov>; Hancharick, Ryan <Hancharick.Ryan@epa.gov>; Shane Titus <shane.titus@sni.org>; Dangelo, AJ <Dangelo.Aj@epa.gov>; Anna Carr <Anna.Carr@sni.org>
Subject: RE: External: Catalyst Energy Draft Permit - PAS2D015BMCK

Hello Kevin,

Thank you for the update. I will forward this information to the group.

Anna or myself will get back to you on some possible meeting dates. We are going to coordinate them on our end and we will send them through to see if any of those dates work for EPA as well.

Thanks,

Clifford C. Redeye III
Acting Director
Seneca Nation Environmental Protection Department
90 Ohiyo Way
Salamanca, NY 14779
716-983-6047 (cell)
716-945-1790
EXT. 3191

From: Rowsey, Kevin [<mailto:rowsey.kevin@epa.gov>]
Sent: Thursday, July 22, 2021 2:34 PM
To: Cliff Redeye III <clifford.redeye@sni.org>
Cc: Okorn, Barbara <Okorn.Barbara@epa.gov>; Hamilton, Brian <Hamilton.Brian@epa.gov>; Bennett, James <bennett.james@epa.gov>; Hancharick, Ryan <Hancharick.Ryan@epa.gov>; Shane Titus <shane.titus@sni.org>; Dangelo, AJ <Dangelo.Aj@epa.gov>; Anna Carr <Anna.Carr@sni.org>
Subject: RE: External: Catalyst Energy Draft Permit - PAS2D015BMCK

Hi Cliff,

I was actually about to email you today. We're going to public notice the Sandstone Development Draft Permit next Thursday, July 29th in the Bradford Era, just as Catalyst was and concurrently receiving public comments as well as actively consulting with the Seneca Nation. The Public Comment Period will last until August 30th with a tentative Public Hearing being held on August 30th. You can view all the permit documents on EPA's website [here](#). The Catalyst document are already posted there.

In regards to having a meeting to discuss the Catalyst permit and the Seneca Resources visit, we'd be happy to have one. Is there a week that works better for your folks?

Kevin Rowsey
Acting Chief
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Philadelphia, PA 19103
Phone: 215.814.5463

From: Cliff Redeye III <clifford.redeye@sni.org>
Sent: Thursday, July 22, 2021 11:58 AM
To: Rowsey, Kevin <rowsey.kevin@epa.gov>
Cc: Okorn, Barbara <Okorn.Barbara@epa.gov>; Hamilton, Brian <Hamilton.Brian@epa.gov>; Bennett, James <bennett.james@epa.gov>; Hancharick, Ryan <Hancharick.Ryan@epa.gov>; Shane Titus <shane.titus@sni.org>; Dangelo, AJ <Dangelo.Aj@epa.gov>; Anna Carr <Anna.Carr@sni.org>
Subject: RE: External: Catalyst Energy Draft Permit - PAS2D015BMCK

Hello Kevin,

Thank you for the update. We will keep an eye out for them. If you could please include Anna Carr in any email correspondence from July 26th through the August 14th as she will be the contact for the Seneca Nation with any water issues as I will be out of the office.

We do have some additional questions that we would like to discuss following some of our groups visiting Seneca Resources and with the Catalyst permit itself. Do you think we could set up a meeting?

Thanks again,

Clifford C. Redeye III
Acting Director
Seneca Nation Environmental Protection Department
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EXT. 3191

From: Rowsey, Kevin [<mailto:rowsey.kevin@epa.gov>]
Sent: Tuesday, July 20, 2021 11:26 AM
To: Cliff Redeye III <clifford.redeye@sni.org>
Cc: Okorn, Barbara <Okorn.Barbara@epa.gov>; Hamilton, Brian <Hamilton.Brian@epa.gov>; Bennett, James <bennett.james@epa.gov>; Hancharick, Ryan <Hancharick.Ryan@epa.gov>; Shane Titus <shane.titus@sni.org>; Dangelo, AJ <Dangelo.Aj@epa.gov>
Subject: RE: External: Catalyst Energy Draft Permit - PAS2D015BMCK

Hi Cliff,

I apologize for the delay. Our regional counsel has been reviewing the Nation's comments and EPA's Responses. I hoped to get the responses to you by the end of June but due to many people being out of the office for vacation, it's been hard to move it along. I'm hoping to get our responses finalized next week and put them into concurrence for our Division Director to sign off on them. I can email you early next week and let you know the status of our response.

Best regards,

Kevin Rowsey
Acting Chief

Source Water & UIC Section
Water Division
U.S. EPA Region III
1650 Arch Street
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From: Cliff Redeye III <clifford.redeye@sni.org>
Sent: Tuesday, July 20, 2021 11:11 AM
To: Rowsey, Kevin <rowsey.kevin@epa.gov>
Cc: Okorn, Barbara <Okorn.Barbara@epa.gov>; Hamilton, Brian <Hamilton.Brian@epa.gov>; Bennett, James <bennett.james@epa.gov>; Hancharick, Ryan <Hancharick.Ryan@epa.gov>; Shane Titus <shane.titus@sni.org>
Subject: RE: External: Catalyst Energy Draft Permit - PAS2D015BMCK

Hello Kevin,

Thank you for forwarding these documents we will review and reach out with any questions.

We were also wondering if there are any update on the Roulette comments? In our June 10th email it was mentioned that the initial comments were finished, that they were going through concurrence and the division director needed to sign off on them. It was also mentioned EPA was hoping to have them to us by the end of June.

As mentioned before the Seneca Nation plans to review EPA's comments before we submit comments on the upcoming permits.

Thank you

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From: Rowsey, Kevin [<mailto:rowsey.kevin@epa.gov>]
Sent: Thursday, July 15, 2021 11:13 AM
To: Cliff Redeye III <clifford.redeye@sni.org>
Cc: Okorn, Barbara <Okorn.Barbara@epa.gov>; Hamilton, Brian <Hamilton.Brian@epa.gov>; Bennett, James <bennett.james@epa.gov>; Hancharick, Ryan <Hancharick.Ryan@epa.gov>
Subject: External: Catalyst Energy Draft Permit - PAS2D015BMCK

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Good morning Cliff,

I wanted to let you know that the EPA intends on opening the Catalyst Draft Permit for Public Comment starting on Thursday, July 22nd and concluding on Monday, August 23rd. We have a tentative Public Hearing via teleconference scheduled for Tuesday, August 24th from 6:00 – 8:00 PM. The Public Notice will be in published

in the Bradford Era newspaper next Thursday (7/22). Per your prior discussions with Brian Hamilton regarding Catalyst and Sandstone, I've attached the Catalyst draft permit and Statement of Basis for the Nation's review. Please let me know if you have any questions about these documents.

We look forward to receiving your formal comments on the Draft Permit. As always, please don't hesitate to reach out to us.

Kevin Rowsey

Acting Chief
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